

that no unnecessary outlay of public money shall take place, and no bills should be paid, except under proper approval. Nor is it clear, that the defendants are properly protected, if they are made subject to the payment of a fine in cases where they have not been clearly culpable, and yet may be found by a jury "guilty" under their construction of the Act of Congress.

There is no provision whatever in this bill for the payment of a fine, which the officers of the State may be unable to pay, and for which they may be compelled to go to jail, *although the United States Marshal, and other United States officers, may receive their fees under the terms of this Act.*

The provision in regard to the employment of counsel is equally liable to objection. It gives to the Governor power to pay the Attorney General and "other counsel," a sum not exceeding two thousand dollars.

The Attorney General would, of course, be entitled to the same compensation as "other counsel," but what "other counsel" would it be possible to secure for the trial of thirty cases in the United States Court for one thousand dollars?

Should it be deemed advisable by your Honorable Body to have counsel other than the Attorney General, may I be permitted to suggest, that he shall be selected by the Governor, upon the express condition that he is to wait until the next session for payment, and that then it shall be fixed by the Legislature after his work has been done.

But the bill is open to still graver objections. It provides for the defence of "other citizens of this State, for acts done in the performance of duties imposed, or *in the exercise of rights secured under the Constitution and Laws of this State,* in alleged violation of the Act of Congress," &c. I fear that this clause of the bill comes under that class of legislation, which the framers of the Constitution denominated as "hasty," and which it was intended by them, should be arrested by the Executive veto. What is exactly intended by this provision, I am not able clearly to discover!

The "citizens," *not acting as officers of the State,* who are made indictable under the 4th, 5th and 6th sections of the Act of Congress, are those who charged with "bribery," "conspiracy," "intimidation," "threats" and "other unlawful means" to deprive electors of their right of suffrage, and under the terms of the present bill, any person indicted for the commission of any of these offences, is entitled to the services of the Attorney General and "other counsel," and to the payment of the expenses of his witnesses, when the whole proceedings may have been caused by his palpable misconduct, or, at least, by his own intemperance and folly.